LAW SECRETARIAT

Records the Annual Report on the working of the Factories Act, 1948 (Central Act LXIII of 1948).

READ—

Letter No. F3—3565—53-54, dated 12th November 1953, from the Commissiner of Labour and Chief Inspector of Factories and Boilers in Mysore, Bangalore, forwarding the annual report on the working of the Factories Act, 1948 (Central Act No. LXIII of 1948) in the State for the year 1952-53, as appended.

ORDER No. L.S. 6281—L.W. 239-53-2, DATED BANGALORE, THE 5—8TH JANUARY 1954.

Recorded.

C. V. CHANNAPPA,
Secretary to Government,
Law Department.

ANNEXURE.

REPORT ON THE WORKING OF THE FACTORIES ACT, 1948 IN MYSORE STATE, FOR THE YEAR ENDING 31ST MARCH 1953 WITH A NOTE ON THE ADMINISTRATION OF THE MATERNITY BENEFIT ACT.

I. PERSONNEL.

1. The Chief Inspector of Factories and Boilers, Sri B. S. Puttaswamy, B.A., B.L., Commissioner of Labour in Mysore, Bangalore, continued to be in charge of the Department throughout the year. Consequent upon the transfer of Sri A. V. Raghavachar as the General Manager of the Government Electric Factory, Bangalore, Sri M. R. Aswathanarayana Rao, the seniormost Inspector, was placed in charge of the Deputy Chief Inspector's place, in addition to his duties as Inspector, Bangalore Division, as also that of the Inspector of Boilers, Special Division, comprising of the City of Bangalore and Kolar Gold Fields areas since 3rd August 1952. Messrs. A. N. Varadarajulu and K. Prahlada Rao, continued to be Inspectors of Mysore and Shimoga Divisions respectively as in the previous year.

II. GENERAL.

2. The Mysore Factories Act, 1936 and Rules thereunder continued to be in force till 1st April 1951, on which date the Central Factories Act, 1948, came into force automatically, as soon as all the Central Acts were made applicable to Part 'B' States also. As soon as the 1948 Act came into force, Rules thereunder have had to be framed by the State Government. But this took time and finally new rules were framed and were promulgated with effect from 1st September 1952. The promulgation of these rules rendered it incumbent on all the owners of factories to apply for registration of their factories and obtain a license on payment of a license fee depending upon the highest number of employees employed in the factory, and the installed Horse Power in the Factory. In spite of the best efforts and personal instructions by the Divisional Inspectors, the response from factory owners in this direction was very poor. In fact, a good number of factories continued to send in their applications for registration, even after the close of the year. This lapse on their part could be attributed partly to the location of the factories in the interior parts of the State where information could not readily reach and partly due to the illiteracy of many of the Factory owners in other localities. There was, hence, much uphill task to be done to make all the owners of factories to get their factories registered under the Act and Rules.

3. Besides regular and surprise inspections of factories, the Divisional Inspectors have to take extra pains in getting the several factories registered. It may not be out of place to mention here that when the question of registration came up, and that on payment of a fee, several owners of Factories resorted to put forth all sorts of untenable pleas, stating that the number of their workers had gone down below the minimum required by the Act and attempted to avoid registration. Such instances are still pending decision and however, every attempt will be made to bring them on the Register of Factories as per rules, failing which, they will be got notified as per Section 85 of the Act.

3. (*a*) The Factories Act, 1948, is now made applicable not only to all power factories employing 10 and more persons, but also to non-power factories employing 20 and more persons on any one day during the past 12 months. As may be seen from the figures furnished, only 27 non-power factories have got themselves registered, but a good number of these factories, such as Oodabathi Factories, Beedi Factories, a few Government Factories, Tanneries, etc., have not still come forth for registration. The Oodabathi Manufacturers' Association, as also Restaurant and Hotel Owners' Association, have both approached Government to exempt them from registration under the Factories Act, whereas certain Beedi Factories have split their concerns into several small units thereby employing less than 20 in each such unit. This is another mode of avoiding registration under the Act. But still, a close watch is being kept over them and necessary action will be taken in the near future to notify these concerns also as 'Factories' as per Section 85 of the Act. More stringent action by way of wholesale prosecutions could not be taken partly because of the inadequacy of staff and partly due to the fact that owing to the lateness of the promulgation of the rules under the Factories Act, most of the Factory owners are not yet in full possession of the required information. Efforts will, however, be intensified hereafter to deal with infractions promptly and effectively.

4. As already pointed out above, the Mysore Rules under the Factories Act, 1948, came into effect from 1st September 1952, from which date registration of Factories under the Central Act was taken up in the State. During the year under report, 444 factories were registered and licenses for their working issued. Licences already issued during 1952 were renewed for the calendar year 1953. The total amount of license fee collected during the year was Rs. 1,28,366-10-8.

III. NUMBER OF FACTORIES AND THEIR INSPECTION.

5. In view of the fact that the Mysore Rules under the Factories Act of 1948, were brought into effect since 1st September 1952, the obligations on the part of the several owners of factories in regard to the submission of annual returns had to be fulfilled. But only a few have responded to this, and that too after the issue of a series of reminders to each Factory owner individually. Even then, most of the Factories have not sent in their annual returns furnishing essential statistics in respect of each.

6. There were 622 Factories under the old rules at the beginning of the year, as against 594 Factories in 1951. After the introduction of the new rules from 1st September 1952, the number of factories that got themselves registered during the year was 444. This was the number at the close of the year, and all the 444 Factories were in commission. Of these, the number of power factories employing 10 and more persons was 417, and the number of non-power factories employing 20 and more persons was 27. No premises was declared a 'Factory' under Section 85(1) of the Act.

7. *Employment.*—The avraege daily number of workers employed in the 444 Factories according to the available information received from the Divisional Offices was 68,241, as against 68,349 during the previous year (1951-52). Of these workers, 59,689 were men, 8,153 women, 389 boys and 10 girls.

8. *Inspections.*—Of the 444 Factories which were in commission during the year, 171 Factories were inspected once, 92 Factories twice, 85 Factories thrice and 51 Factories more than thrice. The total number of inspections made was 1,229 as against 785 during the previous year. The remaining 45 Factories could not be inspected for want of time. Steps are, however, taken to ensure that no Factory will be left uninspected for less than twice during the year.

9. The Inspector of Factories and Boilers, Bangalore Division, toured for 80 day sduring the year, the Inspector, Mysore Division, toured for 149 days, and the Inspector, Shimoga Division, toured for 142 days, each in their respective jurisdictions. The Chief Inspector toured for 107 days during the year and inspected 173 Factories in the whole State in addition to his other duties as Commissioner of Labour.

IV. HEALTH AND SAFETY.

10. *Health.*—The health of the workers was generally normal. There were no epidemics reported from any of the Factories during the year.

11. *Sanitation.*—Cleanliness of Factory premises and their surroundings was fairly well maintained.

12. *Dust Nuisance.*—Dust nuisance has been mostly perceptible in Textile Mills, Rice Mills, decorticating factories, tea and coffee curing factories and also in cotton-ginning factories. The dust liberated during the year by process of working of these Factories has been considerable and is causing discomfort to the workers. Adequate steps were, however, taken wherever necessary to mitigate this dust nuisance.

13. *Lime-washing and Painting.*—The periodical sanitary treatment of walls of factory buildings and latrines was attended to. Attention of the Managers and Occupiers of Factories was drawn to the rules wherever necessary.

14. *Drinking water.*—Due provision was made in Factories for adequate supply of drinking water to workers.

15. *Fencing.*—Fences and Guards to dangerous parts of ways, works and working parts of machinery have been provided as before. The dangers involved in using unfenced machinery were explained to the Managers and occupiers of factories whenever necessary and steps were taken to see that the orders issued in this connection were duly complied with.

V. HOURS OF EMPLOYMENT.

16. *Rest intervals.*—Rest intervals as required by Section 55 of the Act were being given in all Factories. Sundays were observed as weekly holidays in almost all the Factories as required by Section 52 of the Act. Only a few factories observed holidays on other week days. This is on account of local market days in the interior parts of the State.

17. *Exemptions.*—No exemptions from any of the provisions of the Factories Act were granted to any of the Factories during the year under report.

18. *Leave with wages.*—The provisions of Chapter VIII of the Factories Act, 1948, relating to grant of leave with wages to workers were generally complied with in all well-organised factories, except in smaller factories to which the provisions of the Act have been extended only recently. But every attempt will be made to see that workers are not deprived of their legitimate privileges under the Act. No exemptions to any of the factories were granted under this chapter during the year.

VI. NOTICES AND REGISTERS.

19. Most of the factories have not submitted the periodical notices and returns under the Factories Act, 1948 in time. Managers of factories, who have not sent in their returns, are suitably advised to comply with the several provisions of law in this regard.

20. The registers prescribed under the Act, too, were not generally well-maintained in accordance with the new rules. Such of those Managers of factories as have not maintained these, were suitably advised to comply with the provisions of law.

21. *Accidents.*—The total number of accidents reported for the year was 1,581 as against 1,002 during the previous year. Of these, four were fatal accidents resulting in the death of the workers, 112 were accidents of serious nature and the remaining 1,465 were 'Minor' ones. The corresponding figure for last year was 6 fatal, 28 serious and 968 'Minor' ones.

22. *Prosecutions.*—During the year, prosecution proceedings were instituted against the Managers and occupiers of three factories for offences against the Act and Rules, *viz.*, (1) K.S.R. Industrial Works, Kolar, (2) Venus Brewery, Magadi Road, Bangalore City, and (3) Magaji Silk Mills, Magadi Road, Bangalore City. Of these, the last one has since been decided by the Court. The occupier has been convicted and sentenced to pay a fine of Rs. 60 on each of the charges. The cases against the other two were pending at the close of the year.

23. *Plans.*—Thirteen plans were scrutinised by the Chief Inspector of Factories during the period under review.

VII. MATERNITY BENEFIT ACT AND RULES THEREUNDER.

24. The average daily number of women workers employed in the several Registered Factories of the State during the year was 8,153 as against 8,167 during the previous year. Against this 8,153 women employees, 336 women claimed Maternity Benefit and were paid for. The sum so paid during the year was Rs. 29,180-13-0. The corresponding figure for last year was in respect of 359 claimants, who were paid sums amounting to Rs. 25,797-9-0. A statement showing particulars of claims made and payments effected is given below. No complaints of non-payment of Maternity Benefit were received from any of the women employees during the year under report.

VIII. COTTON GINNING AND PRESSING FACTORIES ACT AND RULES THEREUNDER.

25. Mysore Rules under the Indian Cotton Ginning and Pressing Factories Act of 1925 came into force from 31st January 1952. The several Cotton Ginning and Pressing Returns, weekly, monthly and yearly, as contemplated in the Act, were collected from individual ginning and pressing factories compiled and forwarded to the Government of India and to the Indian Central Cotton Committee and East India Cotton Association of Bombay besides being published in the local Official Gazette.

The provisions of Section 9 of the Act were generally complied with by all the Ginning Factories in the State.

Statement showing the number of women employed in the registered factories in the State, who were paid Maternity Benefit during the year 1952-53.

Sl. No.	Name of the Factory	No. of women employees who were paid maternity benefit	Amount		
1	2	3	4		
			Rs.	a.	p.
1	The Bangalore Woollen, Cotton and Silk Mills Company, Limited, Bangalore-2.	26	978	0	6
2	The Mysore Coffee Curing Works Limited, Chikmagalur.	4	202	3	9
3	The Mysore Match Company, Limited, Shimoga ...	4	207	4	0
4	The Bangalore Firebrick and Tile Works, Bangalore City	3	45	0	0
5	The Mysore Lamp Works, Bangalore ...	4	511	12	0
6	Kolar Brick Making Company, Kolar ...	6	150	0	0
7	Mysore Spinning and Manufacturing Company, Limited, Bangalore.	126	11,419	8	9
8	Minerva Mills, Limited, Bangalore ...	52	6,165	6	9
9	Sri Krishna Weaving and Spinning Mills, Limited, Subramanyapura.	18	1,405	2	6
10	Tobacco Manufacturers India, Limited, Bangalore-1. ...	44	6,030	14	0
11	M. S. Muddiah & Sons. Bangalore City ...	2	103	2	9
12	The Mysore Spun Silk Mills, Limited, Channapatna ...	38	1,642	2	0
13	Mysore Silk Filatures, Kanakapura ...	9	320	4	0
	Total ...	336	29,180	13	0